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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/029,853

12/31/2001

James Thomas Cook

DANA-265

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11/05/2003

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EXAMINER

HOOK, JAMES F

ART UNIT

PAPER NUMBER

3752

DATE MAILED: 11/05/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/029,853	COOK ET AL.	
	Examiner	Art Unit	
	James F. Hook	3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 14-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

It is noted that in paper #9 filed on October 20, 2003, that in claim 5 which is stated as being original, that original claim 5 was dependent on claim 4, however newly submitted claim 5 in paper #9 is dependent upon itself, claim 5, and such should be corrected in response to this office action. For purposes of examination the original form of the claim will be retained and claim 5 will be considered to depend from claim 4. Also, it is noted that in claim 10, line 3, "enter" is believed to be misspelled and should appear as "ester" based upon the specification and other claims. For examination purposes it will be treated as "ester". It is recommended that both changes mentioned above be made in response to this office action. It is also noted that the word "antegradants" is not familiar to the examiner and does not appear in the dictionary. It is possible this word is misspelled and should be corrected too in claims 5 and 13.

Election/Restrictions

Applicant's election with traverse of group 1 in Paper No. 9 is acknowledged. The traversal is on the ground(s) that the examination would not be burdensome. This is not found persuasive because the particulars of the method claims are not required in the article claims and therefore a search in another area would be required to meet limitations in the method claims that would not be required for searching the article claims, and therefore such would be burdensome on the examiner to search another area of the office for limitations appearing in the method claims and not required in the article claims.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosecrans. The patent to Rosecrans discloses the recited hose for transmitting liquids comprising an inner tubular portion 40 made of a chlorinated polyethylene polymer (CPE), a ply of braided reinforcement 42 which can be a metal wire, a thin layer 44 which can be made of similar or the same CPE material as the inner layer which is a known elastomeric material, a layer 46 also braided which can be made of polyester yarn, and an outer layer 48, plasticizers can be provided which include blends of polymeric material and esters, stabilizers can be provided including blends of metal oxides and known materials which are considered silicates such as clays, the layers are cross linked by a vulcanization process using peroxide to cure it, quinoline is used as an additive also and is considered to be the equivalent of what the applicant is claiming, and there can be other cross linking agents provided along with the peroxide.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosecrans in view of Lalikos. The patent to Rosecrans discloses all of the recited structure with the exception of forming the outer layer 48 of a dye containing urethane, but rather forms the layer of an elastomeric material with an added reinforcement layer 50 to protect it. The patent to Lalikos discloses the recited hose for transmitting liquids comprising in inner tubular layer 10, a reinforcement layer 11, a second reinforcement layer 12, a cover layer 13 and 14, where the cover layer can be formed of urethane and can be provided with color which inherently would include a dye to form an outer protective layer that can show wear. It would have been obvious to one skilled in the art to modify the hose in Rosecrans by substituting a urethane outer layer provided with a dye as suggested by Lalikos as such would provide a tough outer layer which would not need an additional reinforcement layer to protect it, and would thereby reduce costs, and where such could be provided with color or dye to help detect wear in the outer sleeve.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosecrans in view of Lalikos as applied to claims 1-7 above, and further in view of Kemper. The patent to Rosecrans as modified discloses all of the recited structure with the exception of stating what type of metal wire is used for the reinforcement metal ply. The patent to Kemper discloses the recited hose for transmitting liquids comprising an inner tubular portion 22 of CPE, a braided reinforcement layer 21, a cover layer 25, another reinforcement layer 23, and an outer layer 26, where the reinforcing layers can

be formed of metal wires which can include brass plated steel wires. It would have been obvious to one skilled in the art to modify the metal wire layer in Rosecrans by using any type of metal wire including brass plated steel wires as such are known wires used for reinforcement in multiplayer reinforced hoses for transmission of fluids as suggested by Kemper, where the brass plated steel wire would be resistant to rust and other forms of damage.

Conclusion

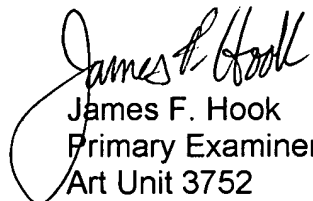
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Chudgar, Ford, Haren, Ettlinger, Piccoli, Beck, Marena, Aoyagi, Kawazura, and Martucci disclosing state of the art hoses for fluid transmission.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (703) 308-2913. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on (703) 308-2087. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.


James F. Hook
Primary Examiner
Art Unit 3752

JFH